IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5146 OF 2004
IN
CRIMINAL APPEAL NO.1438 OF 2004

Suraj Ramdayal Gudadawat ...Applicant

V/s

State of Maharashtra. ...Respondent.

Mr. S.A. Sawant for the applicant.

Mr. A.M. Shringarpure, APP for the respondent - State.

CORAM: V.M.KANADE,J.
DATE: 30th November, 2004

P.C.

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP for the respondent - State.

2. Applicant is convicted under section 392 of the Indian Penal Code and sentenced to suffer R.I. for five years. Applicant was in custody for a period of one year from 09/09/1998 to 12/08/1999. The Trial Court has observed that the identification in court is a weak type of evidence and the only evidence against the accused is in the form of recovery of gold oranaments which were identified by P.W.2 and 3.

3. In my view, prima facie case is made out by the accused. Applicant, therefore, be released on bail in

the sum of Rs 5000/- with one or two sureties in the like amount. Applicant to report to Daund Police Station once in a month.

V.M. KANADE, J.